

PRESS RELEASE 12/20/13

Elizabeth K. Ainslie, attorney for Graham B. Spanier

We are responding to the recent media pieces discussing Cynthia Baldwin's testimony in the grand jury, in which she adopts conclusions suggested to her by the prosecutor to the effect that Dr. Spanier lied to her and a previous grand jury.

First, Ms. Baldwin's testimony is shamefully inaccurate.

Second, Ms. Baldwin's testimony is one-sided; it has not been tested by cross-examination. Dr. Spanier was not notified that she intended to testify. And when she did testify, his attorney was not permitted to cross-examine her. Cross-examination is the law's best tool for testing a witness's memory and truthfulness. Ms. Baldwin has so far managed to avoid cross-examination. But that day is coming.

Third, Ms. Baldwin's testimony was, we believe, created in large part by her own fear of prosecution.

In the spring of 2012, well after she listened to Dr. Spanier's grand jury testimony, Ms. Baldwin told federal investigators that Dr. Spanier is "a man of integrity." She said he was "very forthcoming and open" with the Penn State Board of Trustees. She spoke highly of his "current reliability, trustworthiness [and] good judgment."

Some months later, on October 19, 2012, Ms. Baldwin found herself an object of suspicion by the Pennsylvania Attorney General's Office. She signed a "proffer letter," a device that prosecutors and criminal defense lawyers use to permit off-the-record statements by persons who are at risk of prosecution. Thus, after advising Ms. Baldwin's lawyer, "*your client may be prosecuted for any criminal involvement,*" the prosecutor promised not to use against her in any prosecution, except in limited circumstances, any statements Ms. Baldwin made in the off-the-record interview.

A week later, Ms. Baldwin went into the grand jury, without Dr. Spanier's knowledge, and testified against him.

We believe this chronology—showing Cynthia Baldwin's remarkable flip-flop-- speaks for itself.

ITEM: 020

SOURCE: 029

NAME CYNTHIA A. BALDWIN, HON., VICE PRESIDENT AND GENERAL COUNSEL,  
PENNSYLVANIA STATE UNIVERSITY (PSU) OFFICE OF GENERAL COUNSEL, 108 OLD

REPORT OF INVESTIGATION  
PROPERTY OF U.S. OFFICE OF PERSONNEL MANAGEMENT (IS)  
1900 E ST, NW, WASHINGTON, D.C. 20415-4000

MAIN, UNIVERSITY PARK, PA 16802

ISSUE(S) 05A 07B 11  
PRIMARY ASSOCIATION COWORKER  
AVERAGE EXTENT OF CONTACT REGULAR  
SPAN OF CONTACT APPROXIMATELY FALL 1995 TO PRESENT

## RECOMMENDS

THE HONORABLE CYNTHIA A. BALDWIN (FORMER PENNSYLVANIA STATE SUPREME COURT JUSTICE) MET GRAHAM SPANIER IN APPROXIMATELY FALL OF 1995 (EXACT DATE UNRECALLED), AT A PSU BOARD OF TRUSTEES (BOT) MEETING, AS PSU BOT MEMBER TO PSU PRESIDENT, WHEN SOURCE WAS APPOINTED TO THE PSU BOT BY THEN-GOVERNOR RIDGE, WITH SOCIAL CONTACT ONCE EVERY TWO MONTHS AT PSU BOT MEETINGS AND PSU BOT SOCIAL FUNCTIONS, UNTIL APPROXIMATELY 2001 (EXACT DATE UNRECALLED), WHEN SOURCE WAS ELECTED AS THE VICE CHAIR OF THE PSU BOT. FROM APPROXIMATELY 2001 TO APPROXIMATELY 2004 (EXACT DATES UNRECALLED), SOURCE HAD EIGHT TIMES YEARLY SOCIAL CONTACT WITH SUBJECT, AS PSU BOT VICE CHAIR TO PSU PRESIDENT. IN APPROXIMATELY 2004 (EXACT DATE UNRECALLED) SUBJECT BECAME THE CHAIR OF THE PSU BOT. FROM APPROXIMATELY 2004 (EXACT DATE UNRECALLED) TO APPROXIMATELY 2007 (EXACT DATE UNRECALLED), SOURCE HAD MONTHLY SOCIAL CONTACT WITH SUBJECT, AS PSU BOT CHAIR TO PSU PRESIDENT. IN APPROXIMATELY 2007 (EXACT DATE UNRECALLED), SOURCE STEPPED DOWN AS CHAIR OF THE PSU BOT AND BECAME IMMEDIATE PAST CHAIR OF THE PSU BOT. FROM APPROXIMATELY 2007 (EXACT DATE UNRECALLED) TO APPROXIMATELY 2010 (EXACT DATE UNRECALLED), SOURCE HAD MONTHLY SOCIAL CONTACT WITH SUBJECT, AS IMMEDIATE PAST PSU BOT CHAIR TO PSU PRESIDENT. IN APPROXIMATELY 2010 (EXACT DATE UNRECALLED), SOURCE BECAME A REGULAR MEMBER OF THE PSU BOT. FROM APPROXIMATELY 2010 (EXACT DATE UNRECALLED) TO 01/2010, SUBJECT HAD MONTHLY CONTACT WITH SUBJECT. IN 01/2010, SUBJECT RESIGNED AS A MEMBER OF THE PSU BOT. FROM 01/2010 TO 02/12010, SOURCE HAD MONTHLY CONTACT WITH SUBJECT AS FORMER PSU BOT MEMBER TO PSU PRESIDENT. IN 02/2010, SOURCE BECAME THE PSU GENERAL COUNSEL. FROM 02/2010, TO 11/2010, SOURCE HAD WEEKLY SOCIAL CONTACT WITH SUBJECT, AS PSU GENERAL COUNSEL TO PSU PRESIDENT. IN 11/2011, SUBJECT RESIGNED HIS POSITION AS PSU BOT THROUGH A MUTUALLY AGREED UPON RESIGNATION THROUGH THE PSU BOT. FROM 11/2011 TO PRESENT, SOURCE HAS HAD TWO CONTACTS WITH SUBJECT, AS GENERAL COUNSEL TO FORMER PSU PRESIDENT REGARDING LEGAL ISSUES.

SOURCE ADVISED THAT HER ASSOCIATION WITH SUBJECT IS PURELY PROFESSIONAL WITH THE EXCEPTION OF SOCIAL INTERACTIONS AT PSU BOT SOCIAL FUNCTIONS.

SUBJECT IS MARRIED, HIS WIFE'S NAME IS SANDY, AND THEY HAVE TWO CHILDREN; BRIAN AND HADLEY.

SUBJECT'S UNSTRUCTURED ACTIVITIES CONSIST OF HIS INTEREST IN BEING A MAGICIAN, HIS INTEREST IN THE DIXIE LAND BAND, HIS INTEREST IN RADIO

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SHOWS, PLAYING RACQUETBALL, HIS INTEREST IN MOVIES AND PLAYING MUSIC USING THE WASH BOARD AS AN INSTRUMENT.

FROM APPROXIMATELY FALL 1995 (EXACT DATE UNRECALLED) TO 02/2012, SUBJECT RESIDED IN THE SCHREYER HOUSE PRESIDENT'S RESIDENCE ON THE PSU CAMPUS. FROM 02/2012 TO PRESENT, SUBJECT RESIDES IN AN APARTMENT OR CONDO IN THE STATE COLLEGE, PA AREA (DISCREPANT) (NFI). SOURCE BELIEVES THAT SUBJECT MAY ALSO HAS A CONDO IN THE NEW YORK CITY AREA (DISCREPANT) (NFI). SUBJECT TOLD SOURCE THAT HE WAS BORN IN SOUTH AFRICA AND HE GREW UP IN THE MID-WEST, POSSIBLY IN CHICAGO, IL (NFI). SOURCE BELIEVES SUBJECT MAY HAVE PREVIOUSLY RESIDED IN THE WISCONSIN ARE, PREVIOUSLY IN THE MID-WEST AND PREVIOUSLY IN STATE COLLEGE, PA (EXACT DATES, DURATIONS AND SPECIFIC LOCATIONS UNRECALLED).

SOURCE BELIEVES SUBJECT HOLDS AN UNDERGRADUATE DEGREE, A MASTERS DEGREE AND A DOCTORATE, HOWEVER; SOURCE HAS NO KNOWLEDGE OF ANY OF THE GRANTING INSTITUTIONS.

FROM 11/2011 TO PRESENT, SUBJECT IS EMPLOYED AS A PSU PRESIDENT EMERITUS AND AS A PROFESSOR IN THE COLLEGE OF HEALTH AND HUMAN DEVELOPMENT AND IS ON A SABBATICAL. FROM AT LEAST FALL 1995 (EXACT DATE UNRECALLED) TO 11/2011, SUBJECT WAS EMPLOYED AS THE PSU PRESIDENT. PRIOR EMPLOYMENTS FOR SUBJECT WERE AT THE UNIVERSITY OF WISCONSIN OR A SIMILAR MID-WESTERN UNIVERSITY, ANOTHER EXECUTIVE POSITION AT A UNIVERSITY IN THE MID-WEST AND PREVIOUSLY A PROFESSOR IN THE PSU COLLEGE OF HEALTH AND HUMAN DEVELOPMENT (EXACT EMPLOYERS, EXACT LOCATIONS, EXACT DATES AND DURATIONS UNRECALLED). SOURCE HAS NO KNOWLEDGE OF ANY OTHER EMPLOYMENT, SELF-EMPLOYMENT, UNEMPLOYMENT OR MILITARY SERVICE ON THE PART OF SUBJECT.

SUBJECT'S PERFORMANCE AS THE PSU PRESIDENT WAS WONDERFUL AND SUBJECT WAS VERY, VERY ACTIVE AS THE PSU PRESIDENT.

SUBJECT IS NOT ELIGIBLE FOR RE-HIRE BECAUSE HE HOLDS EMERITUS STATUS (NFI).

THE CIRCUMSTANCES SURROUNDING SUBJECT'S DEPARTURE FROM HIS POSITION AS PSU PRESIDENT DO NOT CAUSE SUBJECT TO BE SUSCEPTIBLE TO ANY POSSIBLE COERCION, PRESSURE, DURESS OR BLACKMAIL.

SOURCE WAS ON THE PSU BOT FROM FALL 1995 (EXACT DATE UNRECALLED) UNTIL 01/2010. DURING THAT PERIOD, SOURCE NEVER HEARD ANYTHING ABOUT THE SANDUSKY ALLEGATIONS. SOURCE FIRST HEARD OF THE SANDUSKY ALLEGATIONS IN 12/2010 AS THE PSU GENERAL COUNSEL, WHEN THE PSU OFFICE OF GENERAL COUNSEL WAS CONTACTED BY THE PENNSYLVANIA OFFICE OF ATTORNEY GENERAL'S OFFICE AND NOTIFIED THAT THEY WOULD BE SERVING SUBPOENAS ON GARY SCHULTZ, TOME CORLEY AND JOE PATERNO.

IN REGARD TO SUBJECT'S DEPARTURE FROM HIS POSITION AS PSU PRESIDENT, SOURCE BELIEVES THE PSU BOT ENTERED A MUTUAL AGREEMENT WITH SUBJECT TO

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ACCEPT HIS RESIGNATION BECAUSE SUBJECT HAD RELEASE A STATEMENT IN SUPPORT OF TIME CURLEY AND GARY SCHULTZ, CHARACTERIZING THEM AS EXEMPLARY EMPLOYEES AND GIVING THEM HIS FULL CONFIDENCE. SOURCE BELIEVES THE PSU BOT CONSIDERED SUBJECT'S STATEMENT REGARDING CURLEY AND SCHULTZ TO BE A LAPSE IN JUDGMENT AND CAUSED THE PSU BOT TO LONGER HAVE CONFIDENCE IN SUBJECT.

CURLEY, SCHULTZ AND PATERNO TESTIFIED AT THE GRAND JURY IN 01/2011 AND THE PRESENTMENT WAS MADE IN 11/2011. IN 04/2011, SUBJECT RECEIVED A SUBPOENA AND TESTIFIED BEFORE THE GRAND JURY.

SOURCE BELIEVES THAT THE PSU BOT ASKED SUBJECT TO RESIGN BECAUSE THEY WERE NOT HAPPY WITH SUBJECT'S STATEMENT OF SUPPORT FOR TIME CURLEY AND GARY SCHULTZ.

SOURCE WAS THEN ASKED IF SUBJECT HAD EVER ADDRESSED THE PSU BOT REGARDING THE SANDUSKY INVESTIGATION, IF SO WHAT HE SAID, WHEN SOURCE BELIEVE SUBJECT KNEW ABOUT THE SANDUSKY INVESTIGATION AND WHAT SUBJECT KNEW.

SOURCE THEN STOPPED THE INTERVIEW AND ADVISED THAT SHE HAD TO CONTACT HER ATTORNEY TO DETERMINE WHAT QUESTIONS SHE COULD ANSWER REGARDING THE GRAND JURY TESTIMONY.

SOURCE'S ATTORNEY, CHARLES A. DEMONACO, FOX, ROTHSCHILD, LLP, PITTSBURGH, PA, THEN CALLED BACK AND ADVISED THAT ANY CONVERSATIONS SOURCE HAD WITH SUBJECT WHILE SOURCE WAS PSU GENERAL COUNSEL, THE TIME PERIOD OF 02/2010 TO PRESENT, ARE CONSIDERED PRIVILEGED COMMUNICATIONS AND SOURCE IS NOT ABLE TO DISCUSS THOSE CONVERSATIONS.

THE INTERVIEW WAS THEN RESUMED.

IN REGARD TO ANY POSSIBLE PRESSURE GOVERNOR CORBETT MAY HAVE PLACED ON THE PSU BOT IN REGARD TO SUBJECT'S DEPARTURE FROM HIS POSITION AS THE PSU PRESIDENT, SOURCE ADVISED THAT SHE COULD ONLY COMMENT THAT GOVERNOR CORBETT WAS VERY UNHAPPY WITH SUBJECT BECAUSE SUBJECT TOOK THE LEAD ON FIGHTING THE GOVERNOR'S PROPOSED BUDGET CUTS TO PSU. SOURCE RELATED THAT HISTORICALLY, THE PSU BOT HAS NEVER HAD A GOVERNOR BECOME MORE PARTICIPATORY THAN GOVERNOR CORBETT AND THAT GOVERNOR CORBETT'S PARTICIPATION WITH THE PSU BOT BEGAN WHEN THE SANDUSKY INFORMATION BROKE.

SOURCE BELIEVES THERE IS NOTHING IN SUBJECT'S BACKGROUND OR PERTAINING TO HIS DEPARTURE FROM HIS POSITION AS THE PSU PRESIDENT THAT WOULD PROHIBIT SUBJECT FROM DOING A GOOD JOB AS IT PERTAINS TO NATIONAL SECURITY.

SOURCE REITERATED THAT SHE NEVER HEARD OF ANYTHING REGARDING THE ALLEGATIONS INVOLVING SANDUSKY WHILE SHE WAS A PSU BOT BOARD MEMBER, SOURCE ONLY KNEW SANDUSKY'S NAME AS BEING THE NAME OF A PSU ASSISTANT

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FOOTBALL COACH.

DURING SOURCE'S PERIOD WITH THE PSU BOT, FROM APPROXIMATELY FALL OF 1995 (EXACT DATE UNRECALLED) TO 01/2010, SOURCE NEVER HEARD ANYTHING REGARDING SANDUSKY, THERE WERE NO DISCUSSIONS IN THE PSU BOT ABOUT HIM AND THERE WERE NO PRESENTATIONS TO THE PSU BOT ABOUT HIM.

SUBJECT IS A BRIGHT MAN, A VERY SMART MAN, A MAN OF INTEGRITY. SUBJECT WAS AND STILL IS VERY NICE AND VERY FRIENDLY BUT, NOT WARM AND FUZZY, HE IS VERY PROFESSIONAL. SUBJECT IS VERY FORTHCOMING AND OPEN WITH THE PSU BOT. SUBJECT IS WELL-LIKED BY THE STUDENTS AND GETS ALONG WELL WITH THE PSU FACULTY AND STAFF.

SOURCE TRUST SUBJECT, TO INCLUDE THE PROTECTED PRIVILEGED PERIOD.

SOURCE TRUSTS SUBJECT'S JUDGMENT, TO INCLUDE THE PROTECTED PRIVILEGED PERIOD.

IN REGARD TO ANY FOREIGN TRAVEL, SOURCE BELIEVES SUBJECT TRAVELED INTERNATIONALLY APPROXIMATELY THREE TO FIVE TIMES PER YEAR, EACH TRIP OF ONE WEEK IN DURATION. SOURCE BELIEVES SUBJECT TRAVELED TO CHINA (NFI) AND RECALLS SUBJECT'S LAST TRIP HAVING BEEN TO BHUTAN IN 2011 (EXACT DATE UNRECALLED) TO VISIT THE PRIME MINISTER OF BHUTAN WHO IS A PSU GRADUATE (NFI). SOURCE BELIEVES SUBJECT MAY HAVE ALSO PREVIOUSLY TRAVELED TO ASIA (NFI). SOURCE BELIEVES ALL OF SUBJECT'S INTERNATIONAL TRAVEL WAS IN CONJUNCTION WITH SUBJECT'S POSITION AS THE PSU PRESIDENT AND INVOLVED PSU ALUMNI TRIPS OR MEMORANDUMS OF UNDERSTANDING WITH OTHER UNIVERSITIES AND CONTACT WITH UNIVERSITY DONORS (EXACT DATES, SPECIFIC LOCATIONS AND DURATIONS UNRECALLED, NFI). SOURCE HAS NO KNOWLEDGE OF ANY PERSONAL FOREIGN TRAVEL ON THE PART OF SUBJECT.

SUBJECT HAS NEVER MADE ANY LASTING CONTACTS WHILE OUTSIDE THE US NOR HAS SUBJECT EVER HAD A PROBLEM WITH CUSTOMS OR LAW ENFORCEMENT OFFICIALS WHILE OUTSIDE OF THE US. SUBJECT HAS NOT VISITED ANY EMBASSIES OR CONSULATES WHILE OVERSEAS. SUBJECT CANNOT BE BLACKMAILED FOR ANY INCIDENTS WHILE ON FOREIGN TRAVEL.

SOURCE HAS NO SPECIFIC KNOWLEDGE OF ANY FOREIGN CONNECTIONS OR FOREIGN CONTACTS ON THE PART OF SUBJECT BUT, BELIEVES THEY WERE ALL PROFESSIONAL CONTACTS IN CONJUNCTION WITH PSU ALUMNI WORLDWIDE, WERE NOT LASTING RELATIONSHIPS AND DID NOT CAUSE SUBJECT TO BE SUSCEPTIBLE TO ANY POSSIBLE COERCION, PRESSURE, DURESS OR BLACKMAIL.

SUBJECT IS NOT SUSCEPTIBLE TO ANY POSSIBLE COERCION PRESSURE DURESS OR BLACKMAIL AS A RESULT OF THE CIRCUMSTANCE SURROUNDING HIS DEPARTURE FROM PSU. SUBJECT'S DEPARTURE FROM PSU WAS VERY PUBLIC AND SOURCE BELIEVES THERE IS NO ONE THAT COULD BLACKMAIL SUBJECT BECAUSE THE SITUATION WAS VERY PUBLIC.

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THERE IS NOTHING IN SUBJECT'S BACKGROUND OR SURROUNDING HIS DEPARTURE FROM PSU THAT WOULD CAST ANY DOUBT ON HIS CURRENT RELIABILITY, TRUSTWORTHINESS OR GOOD JUDGEMENT AND NOTHING THAT WOULD CAST DOUBT ON HIS ABILITY TO SAFEGUARD NATIONAL SECURITY INFORMATION.

SOURCE VOLUNTEERED THAT THE PSU BOT'S RATIONALE FOR THE MUTUAL AGREEMENT FOR SUBJECT'S RESIGNATION WAS THAT SUBJECT SHOULD NOT HAVE MADE HIS PUBLIC SUPPORT STATEMENT FOR CURLEY AND SCHULTE. SOURCE'S OPINION IS THAT THE PSU BOT CONSIDERED SUBJECT'S PUBLIC STATEMENT OF SUPPORT TO CURLEY AND SCHULTE TO BE INCONSISTENT WITH THE BOT'S VIEW OF LEADERSHIP.

SOURCE VOLUNTEERED THAT SUBJECT IS VERY LOYAL.

SOURCE ADVISED SHE COULD NOT DISCUSS THE GOVERNOR'S INVOLVEMENT ANY FURTHER OTHER THAN TO SAY THAT HE HAS BEEN MORE PARTICIPATORY THAN ANY OTHER GOVERNOR. SOURCE EXPLAINED SHE COULD NOT DISCUSS IT FURTHER BECAUSE IT FALLS WITHIN THE PROTECTED PRIVILEGED PERIOD.



COMMONWEALTH OF PENNSYLVANIA  
OFFICE OF ATTORNEY GENERAL

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October 19, 2012

Charles A. De Monaco, Esquire  
Fox Rothschild LLP  
625 Liberty Avenue  
Pittsburgh, PA 15222

**RE: CYNTHIA BALDWIN**  
***OAG Grand Jury Investigations***

Dear Attorney De Monaco:

During our recent conversations concerning Office of Attorney General investigations regarding your client, you stated that your client, Cynthia Baldwin, is interested in meeting with the investigating agent and me for the purpose of an "off-the-record" proffer or discussion. We are interested in pursuing this matter, and will consider such an "off-the-record" proffer or discussion in formulating an appropriate resolution of this case.

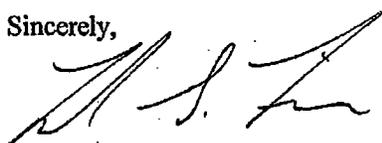
In order to assure that there are no misunderstandings concerning the meaning of "off-the-record", I am writing to clarify the ground rules for any "off-the-record" proffer or discussion with your client. First, although your client may be prosecuted for any criminal involvement, no statements made by you or your client, or other information provided by you or your client during the "off-the-record" proffer or discussion will be used against your client in any criminal case. Second, the Commonwealth may make derivative use of and may pursue any investigative leads suggested by any statements made by or other information provided by you or your client. This provision is necessary in order to eliminate the necessity for a *Kastigar* hearing at which the Commonwealth would have to prove that the evidence it would introduce at trial is not tainted by any statements made by or other information provided by your client during the "off-the-record" proffer or discussion. Third, in the event your client is a witness at any trial or other legal proceeding relating to the above-captioned matter and offers testimony materially different from any statements made or other information provided during the "off-the-record" proffer or discussion, the attorney for the Commonwealth may cross-examine your client concerning any statements made or other information provided during the "off-the-record" proffer or discussion. This provision is necessary in order to assure that your client does not abuse the opportunity for an "off-the-record" proffer or discussion, does not make materially false statements to a Commonwealth agency, and does not commit perjury when testifying at trial.

**Charles A. De Monaco, Esquire**  
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I trust that you will find these ground rules fair and reasonable. If your client wishes to engage in an "off-the-record" proffer or discussion under these ground rules, please indicate this by signing where indicated below.

Sincerely,



Frank G. Fina  
Chief Deputy Attorney General  
Criminal Prosecutions Section

FGF/klw

I have read this letter and have discussed it with my attorney. I understand the contents and agree to the terms of the interview as set forth herein.

October 19, 2012

Date

Cynthia Baldwin

Cynthia Baldwin

October 19, 2012

Date

Charles A. De Monaco

Charles A. De Monaco, Esquire  
Attorney for Cynthia Baldwin